

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

In Re:

Tarhonda Jones,

Debtor.

Case No. 19-15104

Chapter 13

Plan filed on May 25, 2019

Confirmation Hearing: July 11, 2019

Honorable Timothy A. Barnes

OBJECTION TO CONFIRMATION OF PLAN

NOW COMES Bank of America, N.A. (hereinafter referred to as "Creditor"), a secured creditor herein by its attorneys, Heavner, Beyers & Mihlar, LLC, and moves this Honorable Court for an Order denying confirmation of Debtor's plan filed May 25, 2019, and in support thereof states as follows:

1. This Court has jurisdiction pursuant to 28 U.S.C. Section 1334 and Local Rule 40.3.1 of the United States District Court for the Northern District of Illinois.
2. Debtor filed a petition under Chapter 13 of Title 11, United States Bankruptcy Code on May 25, 2019. The Debtor's Chapter 13 Plan has not yet been confirmed.
3. Said Creditor is a mortgage holder or servicer on the property commonly known as 18028 Greenview Ter, Country Club Hills, Illinois 60478-5166.
4. The Debtor's plan proposes a monthly payment of \$750.00 for 60 months to the Standing Trustee for the benefit of creditors.
5. That the Debtor has used the District's model plan for her Chapter 13 plan and said model contains language negatively impacting the Creditor.
6. The Debtor filed a Chapter 13 Plan proposing to pay mortgage arrears to creditor, Bank of America, in the amount of \$26,787.00 and monthly ongoing post-petition payments in the amount of \$1,569.00.
7. Creditor objects to confirmation of any plan that proposes to cure Creditor's pre-petition arrearage and provide for post-petition payments.
8. The Debtor's bankruptcy was not filed in good faith and the Debtor's plan was not proposed in good faith.

9. That on July 30, 2007, Tarhonda Jones and Maurice Jones, executed a Note and Mortgage with respect to the property located at 18028 Greenview Ter, Country Club Hills, Illinois 60478-5166.

10. Since the inception of the Note and Mortgage the Debtor and Co-Debtor have instituted the following seven bankruptcy proceedings:

A. Bankruptcy case number 09-19130, a Chapter 13 case filed on May 27, 2009, by Tarhonda Jones, Debtor. On August 13, 2009, the case was dismissed on a Motion by the Trustee for failure to file plan.

B. Bankruptcy case number 09-35811, a Chapter 13 case filed on September 27, 2009, by Tarhonda Jones, Debtor. On November 18, 2014, the Debtor was discharged.

C. Bankruptcy case number 17-00776, a Chapter 7 case filed on January 11, 2017, by Maurice Jones and Tarhonda Waller-Jones, Debtors. Movant was granted relief from the automatic stay effective February 15, 2017. On April 11, 2017, the Debtors were discharged.

D. Bankruptcy case number 17-13082, a Chapter 13 case filed on April 26, 2017, by Maurice Jones, Debtor. Movant was granted relief from the automatic stay effective August 14, 2017. On November 6, 2017, the case was dismissed on a Motion by the Trustee for failure to make plan payments.

E. Bankruptcy case number 17-33696, a Chapter 13 case filed on November 10, 2017, by Maurice Jones, Debtor. Movant filed a Motion for Relief on January 22, 2019, which was mooted due to dismissal. On March 11, 2019, the case was dismissed on a Motion by the Trustee for failure to make plan payments.

F. Bankruptcy Case Number 19-11749, a Chapter 13 case filed on April 24, 2019, by Maurice Jones, Debtor. The Order denying Debtor's Motion to Extend the Automatic Stay was entered by this Court on May 14, 2019.

G. The Debtor filed the seventh case affecting the Property on May 25, 2019, the instant case.

11. Creditor has been forced to cancel or postpone the foreclosure proceedings due to multiple bankruptcy filings.

12. There has been no change of circumstances which would justify a seventh bankruptcy filing.

13. If the plan is confirmed as filed, it may preclude Creditor from moving forward with its state law remedies.

14. Sufficient grounds exist for denial of confirmation of Debtor's plan:

- a. The Debtor's petition was not filed in good faith;
- b. The Debtor's plan has not been proposed in good faith.

WHEREFORE, this Creditor, Bank of America, N.A., and/or its assigns, requests the Court enter an Order denying confirmation of the Debtor's Chapter 13 plan.

Dated this 14th day of June, 2019.

Bank of America, N.A.,

By: /s/ Amanda J. Wiese
Amanda J. Wiese
One of its attorneys

FAIQ MIHLAR (#6274089)
HEATHER M. GIANNINO (#6299848)
AMANDA J. WIESE (#6320552)
CHERYL CONSIDINE (#6242779)
SEAN D. JORDAN (#6307449)
PINJU CHIU (#6329542)
HEAVNER, BEYERS & MIHLAR, LLC
Attorneys at Law
P.O. Box 740
Decatur, IL 62525
Email: bkdept@hsbattys.com
Telephone: (217) 422-1719
Facsimile: (217) 422-1754